

REMARKS

Claims 7 and 8 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and if the 35 U.S.C. §112 rejection is overcome.

Claims 1 and 5-9 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter.

Claims 1, 5, 6, and 9 are rejected under 35 U.S.C. §102(e) as being anticipated by Post (U.S. Patent No. 6,715,731).

Regarding the §112, second paragraph rejection against claim 1 for lacking antecedent basis, claim 1 is amended to provide antecedent basis. Accordingly, the rejection is rendered moot and should be withdrawn.

Regarding the anticipation rejection against claim 1 based on Post, claim 1 recites at least one displacement enlarging mechanism for enlarging the displacements generated by the piezoelectric element and then applying the enlarged displacements to the valve body. The claim further recites wherein the ... operation to open the valve body is performed in accordance with the displacements generated by the piezoelectric element and subsequently enlarged by the displacement enlarging mechanism when a voltage is applied to the piezoelectric element. That is, the piezoelectric element initially generates a displacement in which the displacement enlarging mechanism **subsequently enlarges the displacement** as positively recited. Post does not teach or suggest a displacement enlarging mechanism as positively recited.

Regarding rejections under 35 U.S.C. §102, the Examiner is respectfully

reminded that the Federal Circuit Court has provided requirements of a §102 anticipation. "A claim is anticipated only if each and every element as set forth in the claim is found ... in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP §2131 (8th ed., rev. 3, vol. 2). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); MPEP §2131 (8th ed., rev. 3, vol. 2).

The Examiner refers to piezo-flexural element 8 of Post to allegedly teach the positively recited piezoelectric element of claim 1 and refers to piezo-flexural element 8' of Post to allegedly teach the displacement enlarging mechanism of claim 1. However, piezo-flexural elements 8 and 8' are simply two opposed and conventional piezoelectric elements to move a valve member 2 in opposite directions (col. 4, Ins. 20-30; Figs. 1-4). Accordingly, Post teaches that piezo-flexural element 8' moves opposite to, and therefore negates, the movement of piezo-flexural element 8. Contrary to subsequently enlarging a displacement initiated by piezo-flexural element 8, piezo-flexural element 8' opposes or negates the displacement of piezo-flexural element 8. Consequently, it is inconceivable that Post teaches or suggests displacements generated by the piezoelectric element (for which the Examiner relies on Post's teaching to piezo-flexural element 8) **and subsequently enlarged** by the *displacement enlarging mechanism* (for which the Examiner relies on Post's teaching to the oppositely oriented piezo-flexural element 8') as positively recited by claim 1. For at least this reason, claim 1 is allowable.

Piezo-flexural element 8' simply **does not enlarge the displacement** of any structure. **In fact, *Post* explicitly teaches** that piezo-flexural elements 8 and 8' **"have a conventional structure**, so that their actuation by application of an electric potential results in a pivoting motion" (col. 3, Ins. 59-61) (emphasis added). That is, *Post* teaches that piezo-flexural element 8' is a conventional piezoelectric element that generates conventionally a displacement of valve member 2, but there is absolutely no teaching that the piezo-flexural elements enlarge a displacement as positively recited.

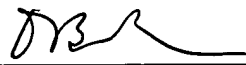
Moreover, *Post* teaches the piezo-flexural elements are configured having one fixed end 12 as being mounted directly or indirectly to electric valves 1 and 1' (col. 3, Ins. 53-57; Figs. 1 and 4). Further configuration of the piezo-flexural elements has an opposite actuation end 13 secured to valve member 2 to provide the pivot action (col. 3, Ins. 62-67; Figs. 1 and 4). Accordingly, the piezo-flexural elements are configured without the positively recited additional structure of a **displacement enlarging mechanism**. Additionally, no teaching of *Post* exists to any structure that enlarges a displacement. Therefore, in no fair or reasonable interpretation does the piezo-flexural element 8' of *Post* teach or suggest the positively recited displacement enlarging mechanism of claim 1. Pursuant to the above authority, since each and every element as set forth in claim 1 is not found in *Post*, the anticipation rejection against claim 1 fails and must be withdrawn. Claim 1 is allowable.

Claims 5-9 depend from independent claim 1, and therefore, for the reasons discussed above with respect to the independent claim, claims 5-9 are allowable.

This application is now believed to be in immediate condition for allowance, and action to that end is respectfully requested. If the Examiner's next anticipated action is to be anything other than a Notice of Allowance, the undersigned respectfully requests a telephone interview prior to issuance of any such subsequent action.

Respectfully submitted,

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